



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 21, 2000

John R. Wallace, Esquire
Wallace, Creech & Sarda, L.L.P.
UCB Plaza
3605 Glenwood Avenue, Suite 240
Raleigh, North Carolina 27612

RE: MUR 4914
Bob Etheridge for Congress Committee
and Charles W. Carpenter, as treasurer

Dear Mr. Wallace:

On March 15, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file (absent documents submitted under seal) must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files.
If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Karen White

Karen White
Paralegal Specialist

Enclosure
Conciliation Agreement

20.04.398.0250

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Bob Etheridge for Congress Committee
and Charles W. Carpenter, as treasurer

MUR 4914

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Bob Etheridge for Congress Committee and Charles W. Carpenter, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Bob Etheridge for Congress Committee is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Bob Etheridge's 1998 congressional campaign.

2. Charles W. Carpenter is the treasurer of Bob Etheridge for Congress Committee.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Commission, as appropriate, and the Secretary of State of the appropriate state, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements.

2 U.S.C. § 434(a)(6)(B).

4. Among the contributions that Respondents received on October 23, 27 and 30, 1998, were eighteen contributions of \$1,000 or more totaling \$26,500. Respondents did not submit 48 Hour Notices for these contributions.

5. Respondents contend that a sudden medical emergency and the hospitalization of the agent of the treasurer who customarily filed 48 Hour Notices contributed to the failure of the Committee to submit 48 Hour Notices during the relevant time period. Respondents acknowledge that its designated treasurer, and not the treasurers' agent, bears responsibility under the Act for timely filing all committee reports.

V. Respondents failed to report campaign contributions of \$1,000 or more received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand Five Hundred Dollars (\$3,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof

has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

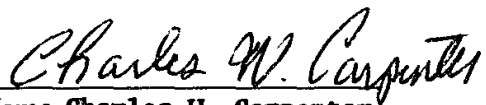
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

3/20/00
Date

FOR THE RESPONDENTS:


Name **Charles W. Carpenter**
Position **Treasurer**

2/14/2000
Date

20.04.398.0253